20 December 2018

Ms. Emma Best
MuckRock News
DEPT MR 62605
411A Highland Avenue
Somerville, MA 02144

Reference: F-2019-00292

Dear Ms. Best:

On 31 October 2018, the office of the Information and Privacy Coordinator received your 30 October 2018 Freedom of Information Act (FOIA) request for **records on the following FBI personnel: CREGAR, William O; SCHWARTZ, Leon F.; WEIMAR, Vernon; RUDIGER, Edward; WOOTEN, James P.; RUDIGER, Edward C.; TORRENCE, Robert; LOWE, Gentry H.** This request may be limited to the beginning of 1970 through the end of 1979. We note your original request asks for records on RUDIGER, Edward C.; however, as noted in the cited document, the cited individual is listed as RUDIGER, Ed. Therefore, your modified request is as follows: **records on the following FBI personnel: CREGAR, William O; SCHWARTZ, Leon F.; WEIMAR, Vernon; RUDIGER, Ed; WOOTEN, James P.; RUDIGER, Edward; TORRENCE, Robert; LOWE, Gentry H.**

As you are aware, the FOIA permits an agency to assess fees even in situations where it fails to comply with the 20 working day FOIA response deadline in cases where there are "unusual circumstances." A member of my staff in consultation with senior members of this office assessed the overall complexity of your request, and we determined that at least one of the factors associated with "unusual circumstances" applies in this case.

With regard to your request for a fee waiver of applicable fees incurred in the processing of this FOIA request, under the FOIA, a waiver of applicable fees is appropriate when:

(1) The disclosure of the requested information must be in the public interest because it is likely to contribute significantly to the public understanding of the operations and activities of the United Sates Government and is not primarily in the commercial interest of the requester.

(2) The disclosure of the information is not primarily in the commercial interest of the requester. 5 U.S.C. §552(a)(4)(A)(iii)

At this stage of your request, we cannot provide you with a fee waiver assessment until we have completed the search, identified the responsive documents, and determined how many pages of nonexempt, responsive material will be released to assess your fee waiver. Once our work is completed, at the time we would reassess the fee waiver determination should the search reveal documents that meet the criterion of a public interest fee waiver as indicated in the provision.

Based on the information provided in your letter, we determined that your request falls into the "representative of the news media" fee category, which means you may have to pay for the cost of reproducing released records, which would be assessed at a rate of ten cents per page after the first 100 copies, which you receive free of charge.

Please be advised that we cannot provide you with an exact fee estimate until we have completed the search, identified the responsive documents, and determined how many pages of nonexempt, responsive material will be released. Once our work is completed, you may be assessed applicable fees for duplication if nonexempt releasable material exceeds the first 100 pages, to which you are entitled free of charge. In order to protect requesters from large/or unanticipated charges, we will ask you for a written commitment to pay duplication fees if we determine they will exceed $100. Although you still will be assessed fees accordingly, we will not notify you beforehand if we estimate that fees for completing your request will be less than $100. We will proceed on this basis unless we hear otherwise from you in writing.

Our officers will review your request in more detail and will advise you should they encounter any problems or if they cannot begin the search without additional information or clarification. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily. We will search for CIA-produced records covering the date range as described in your request.

Sincerely,

Allison Fong
Information and Privacy Coordinator